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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**THE SIERRA CLUB and ENVIRONMENTAL
INTEGRITY PROJECT,**

Plaintiffs,

vs.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,**

Defendant.

Case No. C-11-0846-MEJ

**PLAINTIFFS' UNOPPOSED MOTION TO
EXTEND THE DEADLINE FOR
ATTORNEY FEE PETITION AND COST
BILL; DECLARATION OF COUNSEL;
[PROPOSED] ORDER**

Plaintiffs hereby move this Court for an order extending the bill of costs and attorney fee petition deadlines by 21 days. An order granting the parties' stipulated dismissal of all claims in this action, except plaintiffs' claims for costs and attorneys' fees, was entered March 3, 2014 (dkt. # 72), establishing the deadlines for both the bill of costs and fee petition as March 20, 2014. *See* L.R. 54-1(a), L.R. 54-5(a) and F.R.Civ.P. 54(d). Subsequently, on March 12, 2014, the parties filed a Stipulation Extending Time For Plaintiffs To File Petition For Costs And Attorney Fees. (Dkt. # 73). Later that same day, the Court granted the stipulation and extended until May 19, 2014, the deadlines for both the bill of costs and fee

petition. (Dkt. # 74).

Plaintiffs now move for an enlargement of time until June 9, 2014, in which to file attorney fee petition and cost bill. This motion is supported by the Declaration of Counsel incorporated into this document. *Infra*.

A district court's decision regarding an extension of time lies well within its discretion. *United States ex rel. Hawaiian Rock Prods. Corp. v. A.E. Lopez Enters.*, 74 F.3d 972, 976 (9th Cir.1996) (establishing that such a decision will not be disturbed absent an abuse of discretion).

For the following reasons, the Plaintiffs assert good cause exists to grant this request for an enlargement of time.

1. On May 7, 2014, the undersigned counsel's mother suffered a medical emergency that appears to be a heart attack. She is currently in the Intensive Care Unit of West Valley Hospital in Goodyear, Arizona. The undersigned is planning on going to Arizona to be with his mother soon and will probably stay to help her whenever she is released from the hospital. Because of the rapidly developing nature of these events, the undersigned is not sure how long he will be required to stay in Arizona to assist with his mother's recovery. In addition to providing care and support for his mother's recuperation, the undersigned will also substitute for his mother's role as a caregiver for his niece and nephew (ages four and six, respectively) while his mother regains her faculties. The time Plaintiffs' counsel spends assisting his mother's recovery will interfere with his ability to develop and complete Plaintiffs' petition for attorney fees and costs.

2. This request will not unreasonably delay final disposition of this case. The case has already been dismissed pursuant to a negotiated settlement agreement via the stipulated dismissed mentioned above. Dkt. # 72.

3. No party will be disadvantaged by this enlargement of time. If this motion is granted, delay in resolution of the cost and attorney fee issue will not materially prejudice

1 the resolution of substantive issues for any of the parties to this case.

2 **4.** This is Plaintiffs' second request for an enlargement of time to resolve the issues
3 of costs and attorney fees in this case.

4 **5.** This request for enlargement is made in good faith and for no improper purpose.

5 **6.** On May 8, 2014, undersigned counsel conferred by email and phone message
6 with Defendant's counsel regarding this motion. On May 8, 2014, Defendant notified the
7 undersigned counsel that it does not oppose this request.
8

9 WHEREFORE, Plaintiffs respectfully requests the Court to enlarge Plaintiffs' time to file their
10 attorney fee petition and cost bill until June 9, 2014.

11 Respectfully submitted for the Court's consideration, this 9th day of May, 2014.
12

13 s/ David Bahr

14 David Bahr (Oregon Bar No. 901990)

15 Bahr Law Offices, P.C.

16 1035 ½ Monroe Street

17 Eugene, OR 97402

18 (541) 556-6439

19 davebahr@mindspring.com

20 **DECLARATION OF COUNSEL**

21 **1.** My name is David Bahr. I am plaintiffs' lead counsel in this case. This declaration is based on
22 my personal knowledge and experience.

23 **2.** On May 7, 2014, the undersigned counsel's mother suffered a medical emergency that appears to
24 be a heart attack. She is currently in the Intensive Care Unit of West Valley Hospital in Goodyear, Ari-
25 zona. I am planning on going to Arizona to be with my mother soon and will probably stay to help her
26 whenever she is released from the hospital. Because of the rapidly developing nature of these events, I
27
28

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 2 tion to providing care and support for my mother's recuperation, I will also substitute for my mother's
 3 role as a caregiver for my niece and nephew (ages four and six, respectively) while my mother regains
 4 her facilities. The time I spend assisting my mother's recovery will interfere with my ability to develop
 5 and complete Plaintiffs' petition for attorney fees and costs.
 6

7 **3.** This is Plaintiffs' second request for an enlargement of time to resolve the issues of costs
 8 and attorney fees in this case.

9 **4.** This request for enlargement is made in good faith and for no improper purpose.

10 **5.** On May 8, 2014, I conferred by email and phone message with Defendants' counsel re-
 11 garding this motion. On May 8, 2014, Defendants notified me, through its counsel, that it does
 12 not oppose this request.
 13

14 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
 15 and correct.

16 Executed this 9th day of May, 2014, in Eugene, Oregon.

17 s/ David Bahr

18 David Bahr (Oregon Bar No. 901990)

19 Bahr Law Offices, P.C.

20 1035 ½ Monroe Street

21 Eugene, OR 97402

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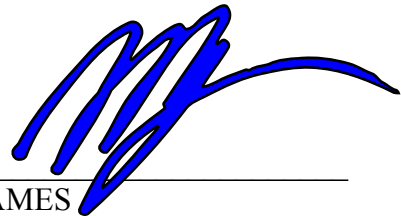
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~~PROPOSED~~ ORDER

This Court, having considered Plaintiffs' unopposed motion to extend the deadline for attorney fee petition and cost bill, and after considering the moving papers, arguments of counsel, and all other matters presented to the Court, HEREBY FINDS AND ORDERS THAT:

Plaintiffs' attorney fee petition and cost bill shall be due no later than June 9, 2014.

IT IS SO ORDERED, this 9th day of May, 2014.



MARIA-ELENA JAMES
Chief United States Magistrate Judge